

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KIEL T. GREENLEE,

Plaintiff,

:

Case No. 3:20-cv-023

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

JUDGE ROBERT W. RETTICH, III, et al,

Defendants.

:

**REPORT AND RECOMMENDATIONS ON PLAINTIFF’S SECOND
MOTION FOR TEMPORARY EMERGENCY INJUNCTION; ORDER
FOR PROPER SERVICE OF FUTURE FILINGS**

This case is before the Court on Plaintiff’s second Motion for a Temporary Emergency Injunction (ECF No. 21). This Motion parallels in detail Plaintiff’s first Motion for a Temporary Emergency Injunction (ECF No. 2). On March 23, 2020, the Magistrate Judge filed a Report and Recommendations recommending that the first Motion be denied (ECF No. 18). For the reasons set forth in that Report, it is also respectfully recommended that Plaintiff’s second Motion for a Temporary Emergency Injunction be DENIED.

The Magistrate Judge notes that the second Motion for a Temporary Emergency Injunction contains Plaintiff’s Certificate of Service as follows:

I hereby certify that a true and accurate copy of the foregoing was
delivered to Defendants Robert Rettich III and Chantelle Jennings

by personal service to the clerk of court for the Miamisburg
Municipal Court, Miamisburg Municipal Court, 10 North First
Street, Miamisburg, Ohio 45342, on this 23rd day of March, 2020.

Under Fed.R.Civ.P. 5(b)(1), service of motions and other filed papers must be on the attorney for anyone represented by counsel in the case. Defendant Rettich is represented in this case by Attorney Nicholas Subashi and Chantelle Jennings is represented by Attorney Lisa Zaring. The Court considers the Motion properly served because both attorneys are electronic filers and will have received service through the Court's electronic filing system. See Fed.R.Civ.P. 5(b)(2)(e). In consideration of the current health emergency occasioned by the COVID-19 pandemic, Plaintiff is ordered to make service of future filings by mailing or electronically and not to make or attempt to make personal or office service of papers until the Governor has announced an end to the stay-at-home directions presently in force.

March 24, 2020.

s/ Michael R. Merz
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal.